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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Twenty-eighth session
29 April - 17 May 2002

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on
Economic, Social and Cultural Rights**

CZECH REPUBLIC

1 The Committee on Economic, Social and Cultural Rights considered the initial report of the Czech Republic on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.47) at its 3rd, 4th and 5th meetings, held on 30 April and 1 May 2002 (E/C.12/2001/SR.3-5), and adopted, at its 23rd meeting, held on 15 May 2002, the following concluding observations.

A. Introduction

2. The Committee welcomes the initial report of the State party, which it found to be comprehensive and generally in conformity with its guidelines for the preparation of reports.

3. The Committee notes with appreciation the extensive written and oral replies given by the State party, as well as the candid and open nature of the constructive dialogue with the delegation. The Committee also welcomes the willingness of the delegation to provide further information in writing concerning the questions that could not be answered during the dialogue.

B. Positive aspects

4. The Committee welcomes the enactment of a number of laws as well as legislative reforms undertaken in the country towards the promotion of economic, social and cultural rights.
5. The Committee welcomes the establishment of the Council for Human Rights of the Government in 1998 and the Office of the Public Protector of Rights in 1999.
6. The Committee notes with appreciation the cooperation of non-governmental organizations with the State party in the preparation of the report.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee notes that the State party encountered difficulties in implementing the economic, social and cultural rights contained in the Covenant arising from the process of transition to a market-oriented economy.

D. Principal subjects of concern

8. The Committee regrets that the Covenant has not been given full effect in the State party's legal order and that most of the rights contained in the Covenant are not justiciable in the domestic legal order, in particular, the right to adequate housing, which the State party considers as a merely "declaratory non-entitlement right".
9. The Committee regrets the absence of a national plan of action for the protection of human rights in accordance with the Vienna Declaration of 1993. Furthermore, the Committee is concerned about the absence of an independent national human rights institution in accordance with the Paris Principles of 1991.
10. The Committee is concerned that the inadequacy of the social safety nets during the restructuring and privatization process has negatively affected the enjoyment of economic, social and cultural rights, in particular by the most disadvantaged and marginalized groups.
11. The Committee is concerned about the recent decision of the State party to continue to apply, in contravention of its obligations under articles 2.2 and 6 of the Covenant, the lustration laws.
12. The Committee is deeply concerned about the high level of discrimination against Roma people in the fields of employment, housing and education. In spite of the fact that the State party acknowledges this fact, the administrative and legislative measures undertaken by the State party to improve the socio-economic conditions of the Roma are still insufficient to address the problem. The Committee is also concerned that, despite the affirmative programmes in favour of the Roma undertaken by the State party, no specific legislation has yet been enacted to outlaw discrimination against them.

13. The Committee notes with concern that the State party has not ratified a number of International Labour Organization (ILO) Conventions relevant to economic, social and cultural rights.
14. The Committee is alarmed about the increasing rate of unemployment, particularly among women, the Roma and other vulnerable groups.
15. The Committee is concerned that the minimum wage is still not sufficient to provide a decent standard of living for workers and their families.
16. The Committee notes with concern that there continues to be inequality in wages between men and women, with women earning approximately 75 per cent of men's salaries.
17. The Committee notes with concern that the problem of domestic violence against women is not being sufficiently addressed and about the fact that the Penal Code of the Czech Republic does not contain any specific provision protecting women against domestic violence.
18. The Committee is concerned about the increasing rate of trafficking in women as well as the sexual exploitation of children.
19. The Committee is deeply concerned about the acute shortage of housing and the privatization of some public housing stocks which have resulted in a sharp rise in rents, forced evictions and homelessness.
20. The Committee is also concerned about the inadequacy of measures to ensure a decent life for persons with disabilities, including the mentally ill.
21. The Committee is deeply concerned about the high rate of drugs and tobacco use as well as the high level of alcohol consumption, especially among children and the youth.
22. The Committee notes with concern that the incidence of HIV/AIDS is increasing, especially among young people.
23. The Committee is deeply concerned about the over-representation of Roma children in so-called "special schools" which are primarily designed for mentally retarded children, resulting in discrimination, substandard education and the stigma of mental disability.
24. The Committee is concerned about a constant decrease in the budget expenditure allocated to education and the consequences thereof on the enjoyment of the right to education.

SUGGESTIONS AND RECOMMENDATIONS

25. The Committee urges the State party to take appropriate steps to give full effect to the Covenant in its legal system, so that the rights covered by it may be directly invoked before the courts.

26. The Committee strongly recommends that the State party adopt a National Plan of Action for Human Rights and within this framework the creation of a National Human Rights Institution, to deal with the protection and promotion of all human rights, including economic, social and cultural rights.
27. The Committee strongly recommends to the State party to integrate the provisions of the Covenant into its privatization programmes and provide for social safety nets in carrying them out.
28. The Committee urges the State party to repeal the lustration laws.
29. The Committee urges the State party, in line with "The Concept of Roma Integration", approved by the Government on 23 January 2002, to take all necessary measures, legislative or otherwise, to eliminate discrimination against groups of minorities, in particular Roma.
30. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Covenant in the domestic legal order, in particular in respect of article 2.2 of the Covenant and that it include in its next periodic report information on action plans or other measures it has taken to implement the Durban Declaration and Programme of Action at the national level.
31. The Committee encourages the State party to provide statistical data in its second periodic report, in particular on the enjoyment of economic, social and cultural rights by women, Roma and people with disabilities.
32. The Committee recommends the State party to ratify, in particular ILO Convention No. 2 on Unemployment, ILO Convention No. 81 on Labour Inspection, ILO Convention No. 117 on Social Policy, ILO Convention No. 118 on Equality of Treatment, ILO Convention No. 138 on Minimum Age, ILO Convention No. 174 on Prevention of Major Industrial Accidents and ILO Convention No. 182 on Worst Forms of Child Labour.
33. The Committee calls upon the State party to take effective action to reduce the unemployment rate in particular among Roma people, women and other vulnerable groups.
34. The Committee urges the State party to re-examine on a periodic basis the level of minimum wages in order to secure a decent standard of living for all workers and their families.
35. The Committee urges the State party to intensify its efforts to address the gender inequality and to take the effective measures, legislative or otherwise to ensure that women enjoy full and equal participation in the labour market, particularly in terms of equal pay for work of equal value.
36. The Committee calls upon the State party to enact specific legislation on domestic violence.
37. The Committee urges the State party to adopt effective measures against the trafficking in women as well as the sexual exploitation of children.

38. The Committee urges the State party to take effective measures to address the problems of: (a) the housing shortage by adopting housing programmes, especially for the disadvantaged and marginalized groups; (b) forced evictions and homelessness by respecting the Committee's General Comments 4 and 7 and devising a comprehensive plan to combat homelessness.

39. The Committee encourages the State party to adopt a comprehensive National Health Strategy.

40. The Committee recommends that the State party adopt effective measures to ensure more appropriate living conditions for persons with disabilities. The Committee requests the State party to report in its second periodic report on the laws and measures adopted by the State party with regard to people with disabilities, including the mentally ill, in particular on the number hospitalized, the facilities made available to them and the legal safeguards put into effect for the protection of patients.

41. The Committee calls upon the State party to adopt effective measures to reduce tobacco smoking, drug abuse and alcohol consumption, especially among children.

42. The Committee recommends to the State party to comply with the standards of the international guidelines on HIV/AIDS and human rights, adopted at the Second International consultation on HIV/AIDS and Human Rights in September 1996.

43. The Committee recommends that the State party consider increasing the budget allocation for education.

44. The Committee urges the State party to take immediate and effective measures to eliminate discrimination against Roma children by removing them from "special schools" and integrating them into the mainstream of the educational system.

45. The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

46. The Committee requests the State party to inform the Committee, in its second periodic report on steps taken to implement its concluding observations. The Committee also encourages the State party to continue involving non-governmental organizations and other members of the civil society in the preparation of its second periodic report.

47. Finally, the Committee requests the State party to submit its second periodic report by 30 June 2007.
